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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Application of: Contag *et al.*

Serial No.: 08/270,631

Group Art Unit: 1802

Filed: July 1, 1994

Examiner: Shaver, J. E.

For: **NON-INVASIVE
LOCALIZATION OF A LIGHT-
EMITTING CONJUGATE IN A
MAMMAL**Attorney Docket No.:
8678-003-999FAX CENTER
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GROUP 1800

**SUPPLEMENTAL AMENDMENT AND RESPONSE
PURSUANT TO 37 C.F.R. § 1.115**Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In accordance with Rule 115 of the Rules of Practice, please consider and enter the following amendments and remarks.

THE AMENDMENTS**In The Claims:**

Please amend the Claims as follows:

In Claim 1, line 2, please replace the phrase "a biocompatible entity" by --an entity under study--.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on

July 15, 1996

(date) to facsimile telephone number 1 (703) 305-7939



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In Claim 1, line 4, after "conjugate", please add --or transformed cell--.

In Claim 1, line 6, after "conjugate", please add --or transformed cell--.

In Claim 6, line 4, after "conjugate", please add --or transformed cell--.

NE { In Claim 14, line 2, after "conjugate", please add --or transformed cell--.

In Claim 14, line 2, please replace the phrase "a biocompatible entity" by --an entity under study--.

Please add the following Claims 20-27:

13/20. (new). The method of Claim 1, wherein step (d) involves measuring changes in the level of photon emission over time of said light-generating source.

14/21. (new). The method of Claim 1, wherein at least one light-generating source has the capability to emit light of a wavelength in the range of between 300 nm and 1100 nm.

15/22. (new). The method of Claim 1, wherein at least one light-generating source has the capability to emit light of a wavelength of 550 nm.

16/23. (new). The method of Claim 1, wherein said photodetector device comprises one or a plurality of photodetector device elements.

17/24. (new). The method of Claim 1, wherein one photodetector device element is a charge-coupled device (CCD) camera.

18/25. (new). The method of Claim 1, wherein said step (d) involves determining a measurement that is a function of a local condition of the light-generating moiety.

19/26. (new). The method of Claim 1, wherein said image in step (e) reflects a state of a condition selected from the group consisting of oxygen levels, determination of presence of tumor cells, localization of tumor cells, determination of presence of an inflammation, localization of an inflammation, determination of presence of an infection, and localization of an infection.

20/27. (new). The method of claim 1, wherein said image in step (e) reflects the oxygen level.

REMARKS

This supplemental amendment is filed in response to a telephone conference of the Examiner with the undersigned attorney of record. Applicants hereby submit amendments to Claims wherein the Examiner's concerns and objections are believed to be fully addressed. All amended and new Claims are fully supported by the specification and by

the previous Claims. More specifically, Claim 20 is supported in the specification, including page 32. Claim 21 is supported in the specification, for example on page 13, Claim 22 is supported, among other places, in the experimental examples provided. Claim 23 is supported in the specification, for example on page 35, and Claim 24 is supported on page 34. Claim 26 is supported in the specification, including pages 23, 25 and 48. Claim 27 and 28 are supported, among other places, on pages 53-55 of the specification. The amended and new Claims do not introduce new matter, and they further do not raise new issues. Applicant therefore believes that the proposed amendments are in proper form to be entered and considered by the Examiner. Notification of favorable action regarding this document is earnestly solicited.

Applicants believe that no fee is required for this response. However, should the Patent and Trademark Office determine otherwise, the Commissioner is authorized to charge the fee required for any matter in connection with this response to Pennie & Edmonds Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date: July 15, 1996

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